

PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q95661

Kazuyuki OHMOTO, et al.

Appln. No.: Based on PCT/JP04/019753

Confirmation No.: Unknown

Group Art Unit: Unknown

Filed: June 26, 2006

Examiner: Unknown

For: PREVENTIVE AND/OR THERAPEUTIC AGENT FOR DISEASE IN WHICH  
MITOCHONDRIAL BENZODIAZEPHINE RECEPTOR PARTICIPATES

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.97 and 1.98**

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

A copy of an International Search Report in a counterpart application is submitted herewith. The USPTO should receive copies of the references cited in the International Search Report from the International Bureau. Applicant will furnish any missing references upon request.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after

INFORMATION DISCLOSURE STATEMENT  
U.S. Appln. No.: Based on PCT/JP04/019753  
Attorney Docket No: Q95661

filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Communication from a foreign patent office in a counterpart application citing such documents (International Search Report for PCT/JP04/019753 dated March 22, 2005), together with an English-language version (if not already included) of at least that portion of the Communication indicating the degree of relevance found by the foreign patent office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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WASHINGTON OFFICE

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Date: June 26, 2006

10/58428U

AP3 Rec'd PCT/PTO 26 JUN 2006

MODIFIED PTO/SB/08 A &amp; B (08-03)

Substitute for Form 1449 A &amp; B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

|                        |                          |
|------------------------|--------------------------|
| Application Number     | Based on PCT/JP04/019753 |
| Confirmation Number    | Unknown                  |
| Filing Date            | June 26, 2006            |
| First Named Inventor   | Kazuyuki OHMOTO          |
| Art Unit               | Unknown                  |
| Examiner Name          | Unknown                  |
| Attorney Docket Number | Q95661                   |

Sheet 1 of 1

**U.S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Document Number |                                      | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document |
|--------------------|-----------------------|-----------------|--------------------------------------|--------------------------------|---|
|                    |                       | Number          | Kind Code <sup>2</sup><br>(if known) |                                |   |
|                    |                       | US 6,410,533    | B1                                   | 06-25-2002                     | Genzyme Corp.                                   |
|                    |                       | US              |                                      |                                |   |
|                    |                       | US              |                                      |                                |   |
|                    |                       | US              |                                      |                                |   |
|                    |                       | US              |                                      |                                |   |
|                    |                       | US              |                                      |                                |   |
|                    |                       | US              |                                      |                                |   |
|                    |                       | US              |                                      |                                |   |

**FOREIGN PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document   |                     |                                      | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document     | Translation <sup>6</sup> |
|--------------------|-----------------------|---------------------------|---------------------|--------------------------------------|--------------------------------|---|--------------------------|
|                    |                       | Country Code <sup>3</sup> | Number <sup>4</sup> | Kind Code <sup>5</sup><br>(if known) |                                |   |                          |
|                    |                       | WO                        | 2003/030937         | A1                                   | 04-17-2003                     | ONO PHARMACEUTICAL CO., LTD.                        |                          |
|                    |                       | WO                        | 2003/068753         | A1                                   | 08-21-2003                     | ONO PHARMACEUTICAL CO., LTD.                        |                          |
|                    |                       | JP                        | 11-171865           | A                                    | 06-29-1999                     | Yoshitomi Pharmaceutical Industries Ltd.            |                          |
|                    |                       | JP                        | 2002-510683         | A                                    | 04-09-2002                     | AUSTALIAN NUCLEAR SCIENCE & TECHNOLOGY ORGANIZATION |                          |
|                    |                       | JP                        | 10-130150           | A                                    | 05-19-1998                     | Dainippon Pharmaceutical Co., Ltd.                  |                          |
|                    |                       |                           |                     |                                      |                                |   |                          |
|                    |                       |                           |                     |                                      |                                |   |                          |
|                    |                       |                           |                     |                                      |                                |   |                          |
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|                    |                       |                           |                     |                                      |                                |   |                          |
|                    |                       |                           |                     |                                      |                                |   |                          |

**NON PATENT LITERATURE DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published. | Translation <sup>6</sup> |
|--------------------|-----------------------|--|--------------------------|
|                    |                       | International Search Report for PCT/JP04/019753 dated March 22, 2005   |                          |
|                    |                       |  |                          |
|                    |                       |  |                          |
|                    |                       |  |                          |
|                    |                       |  |                          |

Examiner Signature

Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov), MPEP 901.04 or follow the hyperlink from the title of the document to the intranet. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to indicate here if English language Translation is attached.